IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.5080 of 1999

K.N.Ramakrishnan .. Petitioner

vs.

1. The Executive Officer
   Jagathala Town Panchayat
   Aravankadu Post, The Nilgiris

2. The District Collector
   The Nilgiris District
   at Udagamandalam

3. The Architectural and Aesthetic
   Aspects Committee
   represented by its Chairman
   In the Office of the District Collector
   The Nilgiris District
   Udagamandalam

4. Smt.Parvathy .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 their officers, and Subordinates to demolish the unauthorised construction put up by the fourth respondent in Survey No.474C/2 and 477A (R.S.No.477/1C), Jagathala Village, Jagathala Town Panchayat limit, Kattabettu Town, The Nilgiris District, and consequently forbear the respondents 1 to 3 their officers and Subordinates from in any manner allowing the fourth respondent to construct any building or superstructure in Survey No.474C/2, and 477A (R.S.No.477/1C), Jagathala Village, Jagathala Town Pachayat limit, Kattabettu Town, The Nilgiris District, without obtaining planning permission from the respondents 2 and 3.

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For petitioner : Mr.T.S.Sivagnanam
For respondents : Mr.N.Subbarayalu for R1
Mr.V.Manoharan
Government Advocate for R2 and R3
Mr.R.Subramanian for R4

O R D E R

Heard Mr.T.S.Sivagnanam, the learned counsel appearing for the petitioner, Mr.N.Subbarayalu the learned counsel appearing for the first respondent, Mr.V.Manoharan, the learned Government Advocate appearing for the second and third respondents and Mr.R.Subramanian, the learned counsel appearing for the fourth respondent.

2. The main contention of the petitioner is that the fourth respondent has put up an unauthorised construction in Survey Nos.474C/2 and 477A (R.S.No.477/1C) without obtaining the planning permission from the respondents 1 to 3, as contemplated under The Tamil Nadu District Municipalities Act, 1920, read with The Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993.

3. In the counter-affidavit filed on behalf of the fourth respondent, it has been stated that the first respondent had approved the Plan No.32/1998, dated 9.2.1999, for the construction of the house measuring 174.37 square meters in the land in question. It is also stated that the first respondent is empowered to approve the plan for constructions measuring below 250 square meters, as per the Tamil Nadu Panchayat Building Rules, 1997.

4. In the counter-affidavit filed on behalf of the fourth respondent, it has been stated that he had submitted a plan of the proposed building for the necessary approval. By the proceedings, dated 9.2.1999, the first respondent had approved the Plan and had accorded the permission for the construction of the building. Therefore, the allegations made by the petitioner are false.

5. At the stage of the hearing of the writ petition, the learned counsel appearing for the first respondent had submitted that a notice has been issued on the fourth respondent regarding the alleged unauthorised additional construction, vide letter No.Na.Ba.No.201/2006, dated 5.12.2007. Pursuant to the said notice, it is expected that the authorities concerned would proceed further in the matter, in accordance with law. In such circumstances, this Court is of the considered view that no further orders are required

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to be passed in the present writ petition. Hence, the writ petition is dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1. The Executive Officer
   Jagathala Town Panchayat
   Aravankadu Post, The Nilgiris

2. The District Collector
   The Nilgiris District
   at Udagamandalam

3. The Chairman,
   Architectural and Aesthetic
   Aspects Committee
   Office of the District Collector
   The Nilgiris District
   Udagamandalam

+ 1 CC To Mr.T.S.Sivagnanmam, Advocate SR NO.74541

+ 1 CC To Mr.N.Subbarayalu, Advocate SR NO.75038

+ 1 CC To Mr. R.Subramaniyan, Advocate SR NO.74720

+ 1 CC to the Government Pleader SR NO 74734

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